

SECOND REGULAR SESSION

# HOUSE BILL NO. 1886

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIZZO, BOUCHER, GAMBARO, HANAWAY, SCHEVE,  
SKAGGS, CURLS (Co-sponsors), MONACO, BONNER AND MAYS (50).

Read 1<sup>st</sup> time February 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4367L.02I

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### AN ACT

To amend chapter 99, RSMo, by adding thereto twenty-four new sections relating to municipal economic authorities.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 99, RSMo, is amended by adding thereto twenty-four new sections,  
2 to be known as sections 99.915, 99.918, 99.921, 99.924, 99.927, 99.930, 99.933, 99.936, 99.939,  
3 99.942, 99.945, 99.948, 99.951, 99.954, 99.957, 99.960, 99.963, 99.966, 99.969, 99.972, 99.975,  
4 99.978, 99.981, and 99.984, to read as follows:

**99.915. Sections 99.915 to 99.984 shall be known and may be cited as the "Missouri  
2 Downtown Economic Stimulus Act".**

**99.918. There is hereby created in each municipality an authority to be known as  
2 a "Downtown Economic Stimulus Authority"; provided, however:**

3 **(1) No such authority shall transact any business or exercise its powers under**  
4 **sections 99.915 to 99.984 until and unless the governing body of such municipality shall,**  
5 **in accordance with subsection 1 of section 99.954, approve, by ordinance, the exercise of**  
6 **the powers, functions, and duties of an authority under sections 99.915 to 99.984;**

7 **(2) No governing body of a municipality shall adopt an ordinance pursuant to**  
8 **subdivision (1) of this section unless it finds:**

9 **(a) That it would be in the interest of the public to consider the establishment of a**  
10 **development area in accordance with sections 99.915 to 99.984;**

11 **(b) That the development of such a development area would be in the interest of the**  
12 **public health, safety, morals, or welfare of the residents of such municipality; and**

13 **(c) That it is anticipated that such a development area can be renovated through**  
14 **a series of one or more development projects.**

**99.921.** Each authority shall be governed by a board of commissioners. The number of commissioners serving on the board of each authority shall be no less than three and no more than thirteen, which number shall be established by ordinance of the municipality. The commissioners shall be appointed by the mayor or chief executive officer of the municipality. The initial commissioners appointed shall serve staggered terms of one, two, and three years as determined by the mayor or chief executive officer of the municipality at the time of their appointment. Thereafter, successor commissioners shall be appointed by the mayor or chief executive officer of the municipality for a term of three years. All vacancies shall be filled by appointment of the mayor or chief executive officer of the municipality for the unexpired term.

**99.924. 1.** The powers of the authority shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of the authority may be held anywhere within the municipality.

**2.** The commissioners of the authority annually shall elect a chair and vice chair from among the commissioners; however, the first chair shall be designated by the mayor for a term of one year. The mayor or chief executive officer of the municipality shall serve as the co-chair of the authority. The authority may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the communities within the development area or may employ its own counsel and legal staff.

**99.927.** A commissioner of an authority shall receive no compensation for his or her services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

**99.930.** For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor or chief executive officer of the municipality.

**99.933. 1.** In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of an authority entered into pursuant to sections 99.915 to 99.984, such authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under sections 99.915 to 99.984 upon proof of the adoption of the appropriate ordinance prescribed in section 99.918.

6 Each such ordinance shall be deemed sufficient if it authorizes the exercise of powers under  
7 sections 99.915 to 99.984 by the authority and sets forth the findings of the municipality as  
8 required in subdivision (2) of section 99.918, but is not required to expressly state the  
9 details supporting such findings.

10 2. A copy of such ordinance duly certified by the clerk of the municipality shall be  
11 admissible in evidence in any suit, action, or proceeding.

99.936. 1. The authority shall constitute a public body corporate and politic,  
2 exercising public and essential governmental functions and having all the powers necessary  
3 or convenient to carry out and effectuate the purposes and provisions of sections 99.915 to  
4 99.984, including the following powers in addition to others granted pursuant to sections  
5 99.915 to 99.984:

6 (1) To sue and to be sued; to have a seal and to alter the same at pleasure; to have  
7 perpetual succession; to make and execute contracts and other instruments necessary or  
8 convenient to the exercise of the powers of the authority; and to make and from time to  
9 time amend and repeal bylaws, rules, and regulations, not inconsistent with sections 99.915  
10 to 99.984, to carry out the provisions of sections 99.915 to 99.984;

11 (2) To prepare or cause to be prepared and approved development plans and  
12 development projects to be considered at public hearings in accordance with sections  
13 99.915 to 99.984 and to undertake and carry out development plans and development  
14 projects which have been adopted by ordinance;

15 (3) To arrange or contract for the furnishing or repair, by any person or agency,  
16 public or private, of services, privileges, streets, roads, public utilities, or other facilities for  
17 or in connection with any development project; and notwithstanding anything to the  
18 contrary contained in sections 99.915 to 99.984 or any other provision of law, to agree to  
19 any conditions that it may deem reasonable and appropriate attached to federal financial  
20 assistance and imposed pursuant to federal law relating to the determination of prevailing  
21 salaries or wages or compliance with labor standards, in the undertaking or carrying out  
22 of any development project, and to include in any contract let in connection with any such  
23 development project provisions to fulfill such of the conditions as it may deem reasonable  
24 and appropriate;

25 (4) Within a development area, to acquire by purchase, lease, gift, grant, bequest,  
26 devise, eminent domain, or otherwise, or obtain options upon, any real or personal  
27 property or any interest therein, necessary or incidental to a development project, all in the  
28 manner and at such price as the authority determines is reasonably necessary to achieve  
29 the objectives of a development plan;

30 (5) Within a development area, subject to provisions of section 99.939 with regard

31 to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide,  
32 retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose  
33 of any real or personal property or any interest therein, all in the manner and at such price  
34 and subject to any covenants, restrictions, and conditions as the authority determines is  
35 reasonably necessary to achieve the objectives of a development plan; to make any such  
36 covenants, restrictions, or conditions as covenants running with the land, and to provide  
37 appropriate remedies for any breach of any such covenants, restrictions, or conditions,  
38 including the right in the authority to terminate such contracts and any interest in the  
39 property created pursuant thereto;

40 (6) Within a development area, to clear any area by demolition or removal of  
41 existing buildings and structures;

42 (7) To install, repair, construct, reconstruct, or relocate streets, utilities, and site  
43 improvements as necessary or desirable for the preparation of a development area for use  
44 in accordance with a development plan;

45 (8) Within a development area, to fix, charge, and collect fees, rents, and other  
46 charges for the use of any real or personal property, or any portion thereof, in which the  
47 authority has any interest;

48 (9) To accept grants, guarantees, and donations of property, labor, or other things  
49 of value from any public or private source for purposes of implementing a development  
50 plan;

51 (10) In accordance with section 99.939, to select one or more developers to  
52 implement a development plan, or one or more development projects, or any portion  
53 thereof;

54 (11) To charge as a development project cost the reasonable costs incurred by the  
55 authority in administering or implementing the development plan or any development  
56 project;

57 (12) To borrow money and issue obligations in accordance with sections 99.915 to  
58 99.984 and provide security for any such loans or obligations;

59 (13) To insure or provide for the insurance of any real or personal property or  
60 operations of the authority against any risks or hazards, including the power to pay  
61 premiums on any such insurance; and to enter into any contracts necessary to effectuate  
62 the purposes of sections 99.915 to 99.984;

63 (14) Within a development area, to renovate, rehabilitate, construct, repair, or  
64 improve any improvements, buildings, parking garages, fixtures, structures, and other  
65 facilities;

66 (15) To invest any funds held in reserves or sinking funds, or any funds not

67 required for immediate disbursement, in property or securities in which savings banks may  
68 legally invest funds subject to their control; to redeem obligations at the redemption price  
69 established therein or to purchase obligations at less than redemption price, all obligations  
70 so redeemed or purchased to be canceled;

71 (16) To borrow money and to apply for and accept advances, loans, grants,  
72 contributions, and any other form of financial assistance from the federal government, the  
73 state, county, municipality, or other public body or from any sources, public or private, for  
74 the purposes of implementing a development plan, to give such security as may be required  
75 and to enter into and carry out contracts in connection therewith. An authority,  
76 notwithstanding the provisions of any other law, may include in any contract for financial  
77 assistance with the federal government for a project such conditions imposed pursuant to  
78 federal law as the authority may deem reasonable and appropriate and which are not  
79 inconsistent with the purposes of sections 99.915 to 99.984;

80 (17) Within a development area, to make or have made all surveys, appraisals,  
81 studies, and plans necessary to the carrying out of the purposes of sections 99.915 to 99.984  
82 and, in connection therewith, to enter into or upon any land, building or improvement  
83 thereon for such purposes and to make soundings, test borings, surveys, appraisals, and  
84 other preliminary studies and investigations necessary to carry out its powers, but such  
85 entry shall constitute no cause of action for trespass in favor of the owner of such land,  
86 building, or improvement except for injuries resulting from wantonness or malice; and to  
87 contract or cooperate with any and all persons or agencies, public or private, in the making  
88 and carrying out of the surveys, appraisals, studies, and plans;

89 (18) To incur development project costs and make such expenditures as may be  
90 necessary to carry out the purposes of sections 99.915 to 99.984; and to make expenditures  
91 from funds obtained from the federal government without regard to any other laws  
92 pertaining to the making and approval of appropriations and expenditures;

93 (19) To delegate to a municipality or other public body any of the powers or  
94 functions of the authority with respect to the planning or undertaking of a development  
95 project, and any such municipality or public body is hereby authorized to carry out or  
96 perform such powers or functions for the authority;

97 (20) To receive and exercise powers delegated by any authority, agency, or agent  
98 of a municipality created pursuant to this chapter or chapter 353, RSMo;

99 (21) To loan the proceeds of obligations issued pursuant to sections 99.915 to 99.984  
100 for the purpose of providing for the purchase, construction, extension, and improvement  
101 of a development project by a developer pursuant to a development contract approved by  
102 the authority in accordance with subdivision (2) of section 99.939;

103           (22) To declare any funds, or any portion thereof, in the special allocation fund to  
104 be excess funds, so long as such excess funds have not been pledged to the payment of  
105 outstanding obligations or outstanding development project costs or are not necessary for  
106 the payment of development project costs incurred or anticipated to be incurred. Any such  
107 funds deemed to be excess shall be disbursed in the manner of surplus funds as provided  
108 in section 99.972;

109           (23) To pledge or otherwise expend funds deposited to the special allocation fund,  
110 or any portion thereof, for the payment or reimbursement of development project costs  
111 incurred by the authority, the municipality, a developer selected by the authority in  
112 accordance with the provisions of section 99.939, or any other entity with the consent of the  
113 authority; to pledge or otherwise expend funds deposited to the special allocation fund, or  
114 any portion thereof, or to mortgage or otherwise encumber its property, or any portion  
115 thereof, for the payment of obligations issued to finance development project costs;  
116 provided, however, any such pledge or expenditure of economic activity taxes or other net  
117 new revenues shall be subject to annual appropriation by the municipality; and

118           (24) To exercise all powers or parts or combinations of powers necessary,  
119 convenient, or appropriate to undertake and carry out development plans and any  
120 development projects and all the powers granted pursuant to sections 99.915 to 99.984.

121           2. If any member of the governing body of the municipality, a commissioner of the  
122 authority, or an employee or consultant of the municipality or authority, involved in the  
123 planning and preparation of a development plan or a development project, owns or  
124 controls an interest, direct or indirect, in any property included in a development area, or  
125 proposed development area, he or she shall disclose the same in writing to the clerk of the  
126 municipality, and shall also so disclose the dates, terms, and conditions of any disposition  
127 of any such interest, which disclosures shall be acknowledged by the governing body of the  
128 municipality and entered upon the minutes books of the governing body of the  
129 municipality. If an individual holds such an interest, then that individual shall refrain  
130 from any further official involvement in regard to a development plan, development  
131 project, or a development area and from voting on any matter pertaining to a development  
132 plan, development project, or the development area, or communicating with other  
133 commissioners or members of the authority or the municipality concerning any matter  
134 pertaining to a development plan, development project, or development area.  
135 Furthermore, no such member, commissioner, employee, or consultant shall acquire any  
136 interest, direct or indirect, in any property in a development area, or proposed  
137 development area, after either (a) such individual obtains knowledge of a development plan  
138 or development project, or (b) first public notice of such development plan, development

139 project, or development area pursuant to section 99.960, whichever first occurs.

**99.939. Real property in a development area may be disposed of as follows:**

2       (1) Within a development area, the authority may sell, lease, exchange, or otherwise  
3 transfer real property, including land, improvements, and fixtures, or any interest therein,  
4 to any developer selected for a development project, or any portion thereof, in accordance  
5 with the development plan, subject to such covenants, conditions, and restrictions as may  
6 be deemed to be in the public interest or to carry out the purposes of sections 99.915 to  
7 99.984. Such real property shall be sold, leased, or transferred at its fair value for uses in  
8 accordance with the development plan; provided that such fair market value may be less  
9 than the cost of such property to the authority. In determining the fair market value of  
10 real property for uses in accordance with a development plan, the authority shall take into  
11 account and give consideration to the uses and purposes required by the development plan;  
12 the restrictions upon, and the covenants, conditions, and obligations assumed by the  
13 developer of such property; the objectives of the development plan; and such other matters  
14 as the authority shall specify as being appropriate. In fixing rental and sale prices, an  
15 authority shall give consideration to appraisals of the property for such uses made by  
16 experts employed by the authority;

17       (2) The authority shall, by public notice published in a newspaper having a general  
18 circulation in a development area, prior to selecting one or more developers for any  
19 development project, or any portion thereof, invite proposals from, and make available all  
20 pertinent information to, private developers or any persons interested in undertaking the  
21 development of such development project, or any portion thereof. Such notice shall be  
22 published at least once each week during the two weeks preceding the selection of a  
23 developer, shall identify the area of the development project or development projects, or  
24 any portion thereof, for which one or more developers are to be selected, and shall state  
25 that such further information as is available and may be obtained at the office of the  
26 authority. The authority shall consider all proposals and the financial and legal ability of  
27 the prospective developers to carry out their proposals. The authority may negotiate and  
28 enter into one or more contracts with any developer selected for the development of any  
29 such area for the development of such area by such developer in accordance with a  
30 development plan or for the sale or lease of any real property to any such developer in any  
31 such area for the purpose of developing such property in accordance with the development  
32 plan. The authority may enter into any such contract as it deems to be in the public  
33 interest and in furtherance of the purposes of sections 99.915 to 99.984; provided that the  
34 authority has, not less than ten days prior thereto, notified the governing body in writing  
35 of its intention to enter into such contract. Thereafter, the authority may execute such

36 contract in accordance with the provisions of subdivision (1) of this section and deliver  
37 deeds, leases, and other instruments and take all steps necessary to effectuate such  
38 contract. In its discretion, the authority may, in accordance with the provisions of this  
39 subdivision, dispose of any real property in an area selected for a development project, or  
40 any portion thereof, to private developers for development under such reasonable  
41 competitive bidding procedures as it shall prescribe, subject to the provisions of  
42 subdivision (1) of this section;

43 (3) In carrying out a development project, the authority may:

44 (a) Convey to the municipality such real property as, in accordance with the  
45 development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys,  
46 or other public ways, this power being additional to and not limiting any and all other  
47 powers of conveyance of property to municipalities expressed, generally or otherwise, in  
48 sections 99.915 to 99.984;

49 (b) Grant servitudes, easements, and rights-of-way for public utilities, sewers,  
50 streets, and other similar facilities, in accordance with the development plan; and

51 (c) Convey to the municipality or other appropriate public body such real property  
52 as, in accordance with the development plan, is to be used for parks, schools, public  
53 buildings, facilities, or other public purposes;

54 (4) The authority may operate and maintain real property in the development area  
55 pending the disposition or development of the property in accordance with a development  
56 plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such  
57 uses and purposes as may be deemed desirable even though not in conformity with the  
58 development plan.

99.942. 1. The authority shall have the right to acquire by the exercise of the power  
2 of eminent domain any real property which it may deem necessary for a development  
3 project or for its purposes under sections 99.915 to 99.984 after the adoption by it of a  
4 resolution declaring that the acquisition of the real property described therein is necessary  
5 for such purposes. The authority may exercise the power of eminent domain in the manner  
6 and under the procedure provided for corporations in chapter 523, RSMo, and acts  
7 amendatory thereof or supplementary thereto; or it may exercise the power of eminent  
8 domain in the manner now or which may be hereafter provided by any other statutory  
9 provision available to the municipality, and, as to an authority in a constitutional charter  
10 city, in the manner provided in the charter of said city for the exercise of the power of  
11 eminent domain.

12 2. Property already devoted to a public use may be acquired in like manner;  
13 provided that no real property belonging to the municipality, the county, or the state may



14 be acquired without its consent.

15       **3. While the authority shall have the power of eminent domain, the municipality**  
16 **may by ordinance delegate the exercise of the power of eminent domain under sections**  
17 **99.915 to 99.984 to any other public body on behalf of the authority.**

**99.945. As used in sections 99.915 to 99.984, unless the context clearly requires**  
2 **otherwise, the following terms shall mean:**

3       **(1) "Blighted area", an area which has previously been found by the municipality**  
4 **to be a blighted area pursuant to any other provision of law or which, by reason of the**  
5 **predominance of defective or inadequate street layout, unsanitary or unsafe conditions,**  
6 **deterioration of site improvements, improper subdivision or obsolete platting, or the**  
7 **existence of conditions which endanger life or property by fire and other causes, or any**  
8 **combination of such factors, retards the provision of housing accommodations or**  
9 **constitutes an economic or social liability or a menace to the public health, safety, morals,**  
10 **or welfare in its present condition and use;**

11       **(2) "Collecting officer", the officer of the municipality responsible for receiving and**  
12 **processing payments in lieu of taxes or economic activity taxes from taxpayers and the**  
13 **department of revenue;**

14       **(3) "Conservation area", any improved area within the boundaries of a**  
15 **redevelopment area located within the territorial limits of a municipality in which fifty**  
16 **percent or more of the structures in the area have an age of thirty-five years or more, and**  
17 **such an area is not yet a blighted area but is detrimental to the public health, safety,**  
18 **morals, or welfare and may become a blighted area because of any one or more of the**  
19 **following factors: dilapidation; obsolescence; deterioration; illegal use of individual**  
20 **structures; presence of structures below minimum code standards; abandonment; excessive**  
21 **vacancies; overcrowding of structures and community facilities; lack of ventilation, light**  
22 **or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or**  
23 **layout; depreciation of physical maintenance; and lack of community planning;**

24       **(4) "Development area", an area designated by a municipality in respect to which**  
25 **the municipality has made a finding that there exist conditions which cause the area to be**  
26 **classified as a blighted area or a conservation area, which area shall have the following**  
27 **characteristics: (i) it includes only those parcels of real property directly and substantially**  
28 **benefited by the proposed development plan; (ii) it can be renovated through one or more**  
29 **development projects; (iii) it shall be located in the central business districts or urban core**  
30 **areas of a city; (iv) it has generally suffered from declining population or property taxes**  
31 **for the twenty-year period immediately preceding the area's designation as a development**  
32 **area; and (v) it shall be contiguous, provided, however that a development plan may**

33 include up to an additional three areas selected for development projects which are not  
34 within the development area. The development area can be enlarged or modified as  
35 provided in section 99.957;

36 (5) "Development plan", the comprehensive program of a municipality to reduce  
37 or eliminate those conditions which qualified a development area as a blighted area or a  
38 conservation area, and to thereby enhance the tax bases of the taxing districts which extend  
39 into the development area through the reimbursement, payment, or otherwise financing  
40 of development project costs in accordance with sections 99.915 to 99.984 and through the  
41 exercise of the powers set forth in sections 99.915 to 99.984. The development plan shall  
42 conform to the requirements of section 99.948;

43 (6) "Development project", any development project within a development area  
44 which constitutes a major initiative in furtherance of the objectives of the development  
45 plan, and any such development project shall include a legal description of the area  
46 selected for such development project;

47 (7) "Development project area", the area located within a development area  
48 selected for a development project;

49 (8) "Development project costs" include the sum total of all reasonable or necessary  
50 costs incurred or estimated to be incurred, and any such costs incidental to the  
51 development plan or a development project, as applicable, which are expended on public  
52 property, buildings, or rights-of-way for public purposes or for public institutions in  
53 furtherance of a development project. Such costs include, but are not limited to, the  
54 following:

55 (a) Costs of studies, appraisals, surveys, plans, and specifications;

56 (b) Professional service costs, including, but not limited to, architectural,  
57 engineering, legal, marketing, financial, planning, or special services. Except the  
58 reasonable costs incurred by the authority for the administration of sections 99.915 to  
59 99.984, such costs shall be allowed only as an initial expense which, to be recoverable, shall  
60 be included in the costs of a development plan or development project;

61 (c) Property assembly costs, including, but not limited to, acquisition of land and  
62 other property, real or personal, or rights or interests therein, demolition of buildings, and  
63 the clearing and grading of land;

64 (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing  
65 buildings and fixtures;

66 (e) Costs of construction of public works or improvements;

67 (f) Financing costs, including, but not limited to, all necessary and incidental  
68 expenses related to the issuance of obligations issued to finance all or any portion of the

69 costs of one or more development projects, and which may include capitalized interest on  
70 any such obligations and reasonable reserves related to any such obligations;

71 (g) All or a portion of a taxing district's capital costs resulting from any  
72 development project necessarily incurred or to be incurred in furtherance of the objectives  
73 of the development plan, to the extent the municipality by written agreement accepts and  
74 approves such costs;

75 (h) Relocation costs to the extent that a municipality determines that relocation  
76 costs shall be paid or are required to be paid by federal or state law;

77 (i) Payments in lieu of taxes; and

78 (j) Endowment of governmental institutions of research or higher education;

79 (9) "Economic activity taxes", the total additional revenue from taxes which are  
80 imposed by the municipality and other taxing districts, and which are generated by  
81 economic activities within each development project area over the amount of such taxes  
82 generated by economic activities within such development project area in the calendar year  
83 prior to the adoption of the ordinance designating such development project area, but  
84 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms  
85 paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a  
86 retail establishment relocates within one year from one facility to another facility within  
87 the same county and the authority finds that the retail establishment is a direct beneficiary  
88 of development financing, then for purposes of this definition, the economic activity taxes  
89 generated by the retail establishment shall equal the total additional revenues from  
90 economic activity taxes which are imposed by the municipality and other taxing district  
91 over the amount of economic activity taxes generated by the retail establishment in the  
92 calendar year prior to its relocation to such development project area;

93 (10) "Gambling establishment", an excursion gambling boat as defined in section  
94 313.800, RSMo, and any related business facility including any real property  
95 improvements which are directly and solely related to such business facility, whose sole  
96 purpose is to provide goods or services to an excursion gambling boat and whose majority  
97 ownership interest is held by a person licensed to conduct gambling games on an excursion  
98 gambling boat or licensed to operate an excursion gambling boat as provided in sections  
99 313.800 to 313.850, RSMo;

100 (11) "Major initiative", a development project, the estimated cost of which is in  
101 excess of the amount set forth below for the municipality, as applicable, which promotes  
102 tourism, cultural activities, arts, entertainment, education, research, arenas, stadium,  
103 multipurpose facilities, libraries, ports, mass transit, museums, or conventions, or which  
104 promotes business locations or expansions that are estimated to create at least as many new

105 jobs as set forth below within three years of such location or expansion, as described in the  
 106 development plan and are in furtherance of the revitalization of the development area:

107 Population of	Estimated	New Jobs
108 Municipality	Project Cost	Created
109 300,000 or more	\$10,000,000	at least 100
110 From 100,000 to 299,999	\$5,000,000	at least 50
111 99,999 or less	\$3,000,000	at least 30;

112 (12) "Municipality", any city, village, incorporated town, or any county of this state  
 113 established on or prior to January 1, 2001;

114 (13) "Obligations", bonds, loans, debentures, notes, special certificates, or other  
 115 evidences of indebtedness issued by the authority or other public entity authorized to issue  
 116 such obligations pursuant to sections 99.915 to 99.984 to carry out a development project  
 117 or to refund outstanding obligations;

118 (14) "Ordinance", an ordinance enacted by the governing body of any municipality  
 119 or an order of the governing body of such a municipal entity whose governing body is not  
 120 authorized to enact ordinances;

121 (15) "Other net new revenues":

122 (a) The incremental increase in the general revenue portion of state sales tax  
 123 revenues that would otherwise be received by the department of revenue pursuant to  
 124 section 144.020, RSMo, but for the adoption of development financing, excluding sales  
 125 taxes that are constitutionally dedicated, taxes deposited to the school district trust fund  
 126 in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers,  
 127 boats and outboard motors and future sales taxes earmarked by law, within each  
 128 development project area above the amount of such revenues received in the base year as  
 129 stated in the development plan. The incremental increase in the general revenue portion  
 130 of state sales tax revenues for an existing or relocated facility shall be the amount by which  
 131 state general revenue sales tax revenue for each calendar year subsequent to the base year  
 132 exceeds the state sales tax revenue in the base year as stated in the development plan; and

133 (b) A portion of the state income tax withheld, equal to two percent of the gross  
 134 wages from which state income tax is withheld, on behalf of employees hired after approval  
 135 of a development plan or development project by an employer, pursuant to section 143.221,  
 136 RSMo, at any business located within each development project area, as identified by the  
 137 municipality;

138 (16) "Payment in lieu of taxes", those revenues from real property in each  
 139 development project area, which taxing districts would have received had the municipality  
 140 not adopted a development plan and the authority not adopted development financing, and

141 which would result from levies made after the time of the adoption of development  
142 financing during the time the current equalized value of real property in such development  
143 project area exceeds the total equalized value of real property in such development project  
144 area during the calendar year preceding the adoption of the ordinance designating the  
145 development project area until the designation is terminated pursuant to subsection 2 of  
146 section 99.972;

147 (17) "Special allocation fund", the fund of the municipality or its authority  
148 required to be established pursuant to section 99.954 which special allocation fund shall  
149 contain at least four separate segregated accounts into which payments in lieu of taxes are  
150 deposited in one account, economic activity taxes are deposited in a second account, other  
151 net new revenues are deposited into a third account, and other revenues, if any, received  
152 by the authority or the municipality for the purpose of implementing a development plan  
153 or a development project are deposited in a fourth account;

154 (18) "Taxing districts", any political subdivision of this state having the power to  
155 levy taxes; and

156 (19) "Taxing districts' capital costs", those costs of taxing districts for capital  
157 improvements that are found by the municipal governing bodies to be necessary and to  
158 directly result from a development project.

99.948. A development plan shall set forth in writing a general description of the  
2 program to be undertaken to accomplish the development projects and related objectives  
3 and shall include, but need not be limited to, the estimated development project costs, the  
4 anticipated sources of funds to pay such development project costs, evidence of the  
5 commitments to finance such development project costs, the anticipated type and term of  
6 the sources of funds to pay such development project costs, the anticipated type and terms  
7 of the obligations to be issued, the most recent equalized assessed valuation of the property  
8 within the development area which is to be subjected to payments in lieu of taxes and  
9 economic activity taxes pursuant to section 99.969, an estimate as to the equalized assessed  
10 valuation after the development area is developed in accordance with a development plan,  
11 and the general land uses to apply in the development area. The development plan shall  
12 be adopted by a municipality in reliance on findings that:

13 (1) The development area on the whole is a blighted area or a conservation area,  
14 and has not been subject to growth and development through investment by private  
15 enterprise and would not reasonably be anticipated to be developed without the  
16 implementation of one or more development projects and the adoption of development  
17 financing. Such a finding shall include, but not be limited to, a description of the  
18 development projects which are proposed to implement the development plan and the

19 factors that qualify the development area pursuant to this subdivision;

20 (2) The development plan conforms to the comprehensive plan for the development  
21 of the municipality;

22 (3) The estimated dates, which shall not be more than thirty-five years from the  
23 adoption of the ordinance approving the development area, of completion of any  
24 development project and retirement of obligations incurred to finance development project  
25 costs have been stated, provided that no ordinance approving a development project shall  
26 be adopted later than fifteen years from the adoption of the ordinance approving the  
27 development plan and provided that no property for a development project shall be  
28 acquired by eminent domain later than ten years from the adoption of the ordinance  
29 approving such development plan;

30 (4) In the event any business or residence is to be relocated as a direct result of the  
31 implementation of the development plan, a plan has been developed for relocation  
32 assistance for businesses and residences;

33 (5) A cost-benefit analysis showing the economic impact of the development plan  
34 on the state and each municipality, county, and school district which is at least partially  
35 within the boundaries of the development area. The analysis shall show the impact on the  
36 economy if the development projects are not built pursuant to the development plan under  
37 consideration. The cost-benefit analysis shall include a fiscal impact study on the state and  
38 each municipality, county, and school district which is at least partially within the  
39 boundaries of the development area, and sufficient information from the authority to  
40 evaluate whether each development project as proposed is financially feasible; and

41 (6) A finding that the development plan does not include the initial development  
42 or redevelopment of any gambling establishment.

99.951. In the event a county of this state desires to designate a development area  
2 located in whole or in part within the boundaries of another municipality, such county  
3 shall first obtain the permission of the governing body of such other municipality.

99.954. 1. A municipality may:

2 (1) Approve by ordinance the exercise by the authority of the powers, functions,  
3 and duties of the authority under sections 99.915 to 99.984;

4 (2) After adopting an ordinance in accordance with subdivision (1) of this  
5 subsection and after receipt of recommendations from the authority in accordance with  
6 subsection 2 of this section, by ordinance, designate development areas and adopt the  
7 development plans, development projects, designate a development project area for each  
8 development project adopted, and adopt development financing for each such development  
9 project area. No development plan may be adopted until the development area is

10 designated. No development project shall be adopted until the development plan is  
11 adopted and the development project area for each development project shall be  
12 designated at the time of adopting the development project; and

13 (3) Exercise the powers, duties, or functions of the authority under sections 99.915  
14 to 99.984.

15 2. The authority shall hold public hearings and provide notice pursuant to sections  
16 99.957 and 99.960. Within ten days following the completion of any such public hearing,  
17 the authority shall vote on, and shall make recommendation to the governing body of the  
18 municipality with regard to, any development plan, development projects, designation of  
19 a development area or amendments thereto which were proposed at such public hearing.

20 3. Before or after the development plan is adopted by ordinance in accordance with  
21 this section, a municipality may submit the development plan to the Missouri development  
22 finance board for approval of the use of other net new revenues to fund one or more  
23 development projects. If submitted to the Missouri development finance board for  
24 approval of the use of other net new revenues, the development plan shall include the  
25 following items in addition to the items set forth in section 99.948:

26 (1) An estimate that: (a) one hundred percent of the payments in lieu of taxes and  
27 economic activity taxes deposited to the special allocation fund will be necessary to pay  
28 development project costs or obligations issued to finance development project costs to  
29 achieve the objectives of the development plan; or (b) if one hundred percent of payments  
30 in lieu of taxes and economic activity taxes are not used to pay or finance development  
31 costs, the amount of contributions from private sources or the value of tax abatement, tax  
32 increment financing, or other development assistance from the state, the municipality, or  
33 other taxing districts will equal or exceed the amount of payments in lieu of taxes and  
34 economic activity taxes which will be returned to taxing districts or otherwise not used to  
35 pay or finance development project costs;

36 (2) Identification of the existing businesses located within the development area;

37 (3) The amount of the state sales tax revenues reported by existing businesses  
38 within the development area in the calendar year prior to the designation or proposed  
39 designation of the development area;

40 (4) The estimate of other net new revenues within the development area for the  
41 years in which development financing are proposed to be in effect; and

42 (5) A copy of a written request submitted by the municipality to the department of  
43 revenue, requesting that the department of revenue, provide to the department of economic  
44 development and the municipality the amount of the state income tax withheld on behalf  
45 of existing employees reported by existing businesses located within the development area

46 in the calendar year prior to the designation or proposed designation of the development  
47 area.

48 4. The methodologies used in determining the estimate of the other net new  
49 revenues within the development area as required in subsection 3 of this section shall be  
50 subject to the approval of the Missouri development finance board and upon approval of  
51 the same the director shall issue a certificate of approval. If the estimate of the other net  
52 new revenues is in excess of other net new revenues requested to be committed to the  
53 payment of development project costs or obligations issued to finance development project  
54 costs, and so long as the amount of other net new revenues to be deposited to the special  
55 allocation fund does not exceed the limit set forth under subsection 5 of section 99.969, the  
56 conditions under this section shall be deemed satisfied and a certificate setting forth the  
57 approval required by this subsection shall be issued.

99.957. Prior to the adoption of the ordinance designating a development area,  
2 adopting a development plan, or adopting a development project, the authority shall fix  
3 a time and place for a public hearing and notify each taxing district located wholly or  
4 partially within the boundaries of the proposed development area or development project  
5 area affected. Such notice shall comply with the provisions of section 99.960. At the public  
6 hearing any interested person or affected taxing district may file with the authority written  
7 objections to, or comments on, and may be heard orally in respect to, any issues embodied  
8 in the notice. The authority shall hear and consider all protests, objections, comments, and  
9 other evidence presented at the hearing. The hearing may be continued to another date  
10 without further notice other than a motion to be entered upon the minutes fixing the time  
11 and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may  
12 be made in the development plan or development area, provided that written notice of such  
13 changes is available at the public hearing. After the public hearing but prior to the  
14 adoption of an ordinance designating a development area, adopting a development plan  
15 or adopting a development project, whichever the case may be, changes may be made to  
16 any such proposed development plan, development project, or development area without  
17 a further hearing, if such changes do not enlarge the exterior boundaries of the  
18 development area, and do not substantially affect the general land uses established in a  
19 development plan or development project, provided that notice of such changes shall be  
20 given by mail to each affected taxing district and by publication in a newspaper of general  
21 circulation in the development area or development project area, as applicable, not less  
22 than ten days prior to the adoption of the changes by ordinance. After the adoption of an  
23 ordinance designating the development area, adopting a development plan or a  
24 development project, no ordinance shall be adopted altering the exterior boundaries of the



25 development area or a development project area, affecting the general land uses  
26 established pursuant to the development plan or the general nature of a development  
27 project without holding a public hearing in accordance with this section. One public  
28 hearing may be held for the simultaneous consideration of a development area,  
29 development plan, or development project.

99.960. 1. Notice of the public hearing required by section 99.957 shall be given by  
2 publication and mailing. Notice by publication shall be given by publication at least twice,  
3 the first publication to be not more than thirty days and the second publication to be not  
4 more than ten days prior to the hearing, in a newspaper of general circulation in the  
5 proposed development area or development project area, as applicable. Notice by mailing  
6 shall be given by depositing such notice in the United States mail by certified mail  
7 addressed to the person or persons in whose name the general taxes for the last preceding  
8 year were paid on each lot, block, tract, or parcel of land lying within the proposed  
9 development area or development project area, as applicable, which is to be subjected to  
10 the payment or payments in lieu of taxes and economic activity taxes pursuant to section  
11 99.969. Such notice shall be mailed not less than ten days prior to the date set for the  
12 public hearing. In the event taxes for the last preceding year were not paid, the notice shall  
13 also be sent to the persons last listed on the tax rolls within the preceding three years as the  
14 owners of such property.

15 2. The notices issued pursuant to this section shall include the following:

16 (1) The time and place of the public hearing;

17 (2) The general boundaries of the proposed development area or development  
18 project area, as applicable, by street location, where possible;

19 (3) A statement that all interested persons shall be given an opportunity to be heard  
20 at the public hearing;

21 (4) A description of the development plan and the proposed development projects  
22 and a location and time where the entire development plan or development projects  
23 proposed may be reviewed by any interested party; and

24 (5) Such other matters as the authority may deem appropriate.

25 3. Not less than forty-five days prior to the date set for the public hearing, the  
26 authority shall give notice by mail as provided in subsection 1 of this section to all taxing  
27 districts from which taxable property is included in the development area or development  
28 project area, as applicable, and in addition to the other requirements pursuant to  
29 subsection 2 of this section, the notice shall include an invitation to each taxing district to  
30 submit comments to the authority concerning the subject matter of the hearing prior to the  
31 date of the hearing.

32           **4. A copy of any and all hearing notices required by section 99.957 shall be**  
33 **submitted by the authority to the director of the department of economic development and**  
34 **the time such notices are mailed or published, as applicable.**

**99.963. 1. For the purpose of financing development project costs, obligations may**  
2 **be issued by the municipality, by the authority, by any other public entity at the request**  
3 **of the municipality, or by the Missouri development finance board pursuant to sections**  
4 **100.250 to 100.297, RSMo, at the request of the municipality to pay or reimburse**  
5 **development costs. Such obligations, when so issued, shall be retired in the manner**  
6 **provided in the ordinance or resolution authorizing the issuance of such obligations.**

7           **2. Obligations issued pursuant to sections 99.915 to 99.984 may be issued in one or**  
8 **more series bearing interest at such rate or rates as the issuing entity shall determine by**  
9 **ordinance or resolution. Such obligations shall bear such date or dates, be in such**  
10 **denomination, carry such registration privileges, be executed in such manner, be payable**  
11 **in such medium of payment at such place or places, contain such covenants, terms, and**  
12 **conditions, and be subject to redemption as such ordinance or resolution shall provide.**  
13 **Obligations issued pursuant to sections 99.915 to 99.984 may be sold at public or private**  
14 **sale at such price as shall be determined by the issuing entity and shall state that**  
15 **obligations issued pursuant to sections 99.915 to 99.984 are special obligations payable**  
16 **solely from the funds specifically pledged. No referendum approval of the electors shall**  
17 **be required as a condition to the issuance of obligations pursuant to sections 99.915 to**  
18 **99.984.**

19           **3. In the event the obligations contain a recital that they are issued pursuant to**  
20 **sections 99.915 to 99.984, such recital shall be conclusive evidence of their validity and of**  
21 **the regularity of their issuance.**

22           **4. Neither the municipality, the authority, the Missouri development finance board,**  
23 **or any other entity issuing such obligations, or the members, commissioners, directors, or**  
24 **the officers of any such entities nor any person executing any obligation shall be personally**  
25 **liable for such obligation by reason of the issuance thereof. The obligations issued**  
26 **pursuant to sections 99.915 to 99.984 shall not be a general obligation of the municipality,**  
27 **county, the Missouri development finance board, state of Missouri, or any political**  
28 **subdivision thereof, nor in any event shall such obligation be payable out of any funds or**  
29 **properties other than those specifically pledged as security for such obligations. The**  
30 **obligations shall not constitute indebtedness within the meaning of any constitutional,**  
31 **statutory, or charter debt limitation or restriction.**

**99.966. 1. Obligations issued pursuant to sections 99.915 to 99.984 may be issued**  
2 **to refund, in whole or in part, obligations theretofore issued by such entity under the**

3 authority of sections 99.915 to 99.984, whether at or prior to maturity; provided, however,  
4 that the last maturity of the refunding obligations shall not be expressed to mature later  
5 than the last maturity date of the obligations to be refunded.

6 2. In the event a municipality or authority issues obligations under home rule  
7 powers or other legislative authority, the proceeds of which are pledged to pay for  
8 development project costs, the municipality may retire such obligations from funds in the  
9 special allocation fund in amounts and in such manner as if such obligations had been  
10 issued pursuant to the provisions of sections 99.915 to 99.984.

99.969. 1. A municipality, after designating a development area, adopting a  
2 development plan, and adopting any development project in conformance with the  
3 procedures of sections 99.915 to 99.984, may adopt development financing for the  
4 development project area selected for any such development project by passing an  
5 ordinance. Upon the adoption of the first of any such ordinances, the municipality shall  
6 establish, or shall direct the authority to establish, a special allocation fund for the  
7 development area.

8 2. Immediately upon the adoption of a resolution or ordinance adopting  
9 development financing for a development project area pursuant to subsection 1 of this  
10 section, the county assessor shall determine the total equalized assessed value of all taxable  
11 real property within such development project area by adding together the most recently  
12 ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real  
13 property within such development project area as of the date of the adoption of such  
14 resolution or ordinance and shall provide to the clerk of the municipality written  
15 certification of such amount as the total initial equalized assessed value of the taxable real  
16 property within such development project area.

17 3. In each of the thirty-five calendar years following the adoption of an ordinance  
18 adopting development financing for a development project area pursuant to subsection 1  
19 of this section unless and until development financing for such development project area  
20 is terminated by ordinance of the municipality, the ad valorem taxes, and payments in lieu  
21 of taxes, if any, arising from the levies upon taxable real property in such development  
22 project area by taxing districts at the tax rates determined in the manner provided in  
23 section 99.975 shall be divided as follows:

24 (1) That portion of taxes, penalties, and interest levied upon each taxable lot, block,  
25 tract, or parcel of real property in such development project area which is attributable to  
26 the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real  
27 property in such development project area as certified by the county assessor in  
28 accordance with subsection 2 of this section shall be allocated to and, when collected, shall

29 be paid by the collecting authority to the respective affected taxing districts in the manner  
30 required by law in the absence of the adoption of development financing;

31 (2) Payments in lieu of taxes attributable to the increase in the current equalized  
32 assessed valuation of each taxable lot, block, tract, or parcel of real property in the  
33 development project area and any applicable penalty and interest over and above the  
34 initial equalized assessed value of each such taxable lot, block, tract, or parcel of real  
35 property in such development project area as certified by the county assessor in  
36 accordance with subsection 2 of this section shall be allocated to and, when collected, shall  
37 be paid to the treasurer of the municipality who shall deposit such payment in lieu of taxes  
38 into a separate segregated account for payments in lieu of taxes of the special fund  
39 established in accordance with subsection 1 of this section. Payments in lieu of taxes which  
40 are due and owing shall constitute a lien against the real property from which such  
41 payments in lieu of taxes are derived and shall be collected in the same manner as real  
42 property taxes, including the assessment of penalties and interest where applicable. The  
43 lien of payments in lieu of taxes may be foreclosed in the same manner as the lien of real  
44 property taxes. No part of the current equalized assessed valuation of each lot, block, tract,  
45 or parcel of property in any such development project area attributable to any increase  
46 above the initial equalized assessed value of each such taxable lot, block, tract, or parcel  
47 of real property in such development project area as certified by the county assessor in  
48 accordance with subsection 2 of this section shall be used in calculating the general state  
49 school aid formula provided for in section 163.031, RSMo, until development financing for  
50 such development project area expires or is terminated in accordance with sections 99.915  
51 to 99.984;

52 (3) For purposes of this section, "levies upon taxable real property in such  
53 development area by taxing districts" shall not include the blind pension fund tax levied  
54 under the authority of section 38(b), article III, of the Missouri Constitution, or the  
55 merchants' and manufacturers' inventory replacement tax levied under the authority of  
56 subsection 2 of section 6 of article X of the Missouri Constitution, the desegregation sales  
57 tax, or the conservation taxes.

58 4. In each of the thirty-five calendar years following the adoption of an ordinance  
59 or resolution adopting development financing for a development project area pursuant to  
60 subsection 1 of this section unless and until development financing for such development  
61 project area is terminated by ordinance of the municipality, fifty percent of the economic  
62 activity taxes from such development project area shall be allocated to, and paid by the  
63 collecting officer of any such economic activity tax to, the treasurer or other designated  
64 financial officer of the municipality, who shall deposit such funds in a separate segregated

65 account for economic activity taxes within the special allocation fund.

66       **5. Provided that the municipality has complied with subsection 3 of section 99.954**  
67 **and the Missouri development finance board has issued the certificate of approval as**  
68 **provided in such section, in each of the thirty-five calendar years following the adoption**  
69 **of an ordinance adopting development financing for a development project area pursuant**  
70 **to subsection 1 of this section, unless and until development financing for such**  
71 **development project area is terminated by ordinance of the municipality, each taxpayer**  
72 **collecting other net new revenue within such development project area shall pay to the**  
73 **municipality the other net new revenues collected. Other net new revenues shall be paid**  
74 **to the municipality on the same date the responsible taxpayer or employer pays sales tax**  
75 **or withholding taxes which are not other net new revenues to the department of revenue**  
76 **for the period for which the other net new revenues were collected or withheld. The**  
77 **municipality shall deposit such other net new revenues in a separate segregated account**  
78 **for such other net new revenues within the special allocation fund; provided, however, that**  
79 **if such other net new revenues collected by the municipality exceed the following applicable**  
80 **dollar amounts in any one calendar year the municipality will remit the excess to the**  
81 **department of revenue in accordance with subsection 7 of this section:**

82 Population of Municipality	New State Revenues
83 300,000 or more	\$40,000,000
84 From 100,000 to 299,999	\$20,000,000
85 99,999 or less	\$10,000,000

86       **6. Taxpayers impacted by subsection 5 of this section shall be entitled to the**  
87 **following tax credits:**

88       **(1) Any new or existing taxpayer within a development project area shall be**  
89 **entitled to a credit against the taxpayer's general fund sales tax liability in an amount**  
90 **equivalent to one hundred percent of that portion of the other net new revenues paid to a**  
91 **municipality, pursuant to subsection 5 of this section, which were calculated based on the**  
92 **incremental increase in the general revenue portion of state sales tax which would have**  
93 **been payable by the taxpayer had development financing not been adopted in one or more**  
94 **development project areas pursuant to sections 99.915 to 99.984; and**

95       **(2) Any individual income taxpayer who is an employee within a development**  
96 **project area, hired after the approval of the development plan and the development project**  
97 **for such development project area, shall be entitled to a tax credit against such taxpayer's**  
98 **individual income tax liability in an amount equivalent to one hundred percent of that**  
99 **portion of the other net new revenues paid to a municipality, pursuant to subsection 5 of**  
100 **this section, which were calculated based on the state income tax which would have been**

101 withheld by the taxpayer's employer had development financing not been adopted in one  
102 or more development project areas pursuant to sections 99.915 to 99.984. Each employer,  
103 paying other net new revenues to a municipality on account of withholding taxes which  
104 would have been paid to the department of revenue had development financing not been  
105 adopted in a development project area, shall certify the amount of other net new revenues  
106 paid on behalf of each individual income taxpayer on the same date the employer certifies  
107 the amount of state income tax withheld and remitted to the department of revenue for  
108 such employee. Each such employee shall provide the employer's certificate to the  
109 department of revenue and credit the amount shown on such certificate against individual  
110 income tax due.

111 7. By December thirty-first of each year after the designation of development  
112 financing within a development project area, each municipality with one or more  
113 development project areas shall submit to the department of revenue a report setting forth  
114 the amount of the other net new revenues received by the municipality for the prior  
115 calendar year. If the amount of the other net new revenues received by the municipality  
116 exceeds the dollar limit set forth in subsection 5 of this section, the municipality shall remit  
117 such excess amount from the special allocation fund for the appropriate development plan  
118 to the department of revenue within forty-five days of the submission of the report.

119 8. If all or part of a development project area is or becomes subject to tax  
120 increment financing pursuant to the real property tax increment allocation redevelopment  
121 act, sections 99.800 to 99.865, payments in lieu of taxes, economic activity taxes and other  
122 net new revenues which are subject to allocation pursuant to sections 99.915 to 99.984 may  
123 be apportioned or diverted to be used pursuant to the real property tax increment  
124 allocation redevelopment act, by the authority acting pursuant to subdivision (20) of  
125 section 99.936, or otherwise, if the development plan so provides.

126 9. The director of revenue shall issue regulations and publish forms to implement  
127 the provisions of this section.

128 10. All personnel and other costs incurred by the department of revenue and the  
129 department of economic development for the administration and operation of this section  
130 shall be paid from the state general revenue fund.

99.972. 1. When all development project costs and all obligations issued to finance  
2 development project costs have been paid in full, the municipality shall adopt an ordinance  
3 terminating development financing for all development project areas. Immediately upon  
4 the adoption of such ordinance, all payments in lieu of taxes, all economic activity taxes,  
5 and other net new revenues then remaining in the special allocation fund shall be deemed  
6 to be surplus funds; and thereafter, the rates of the taxing districts shall be extended and

7 taxes levied, collected, and distributed in the manner applicable in the absence of the  
8 adoption of development financing. Surplus payments in lieu of taxes shall be paid to the  
9 county collector who shall immediately thereafter pay such funds to the taxing districts in  
10 the development area selected in the same manner and proportion as the most recent  
11 distribution by the collector to the affected districts of real property taxes from real  
12 property in the development area. Surplus economic activity taxes shall be paid to the  
13 taxing districts in the development area in proportion to the then current levy rates of such  
14 taxing districts that are attributable to economic activity taxes. Surplus other net new  
15 revenues shall be paid to the state. Any other funds remaining in the special allocation  
16 fund following the adoption of an ordinance terminating development financing in  
17 accordance with this section shall be deposited to the general fund of the municipality.

18       2. Upon the payment of all development project costs, retirement of obligations, and  
19 the distribution of any surplus funds pursuant to this section, the municipality shall adopt  
20 an ordinance dissolving the special allocation fund and terminating the designation of the  
21 development area as a development area.

22       3. Nothing in sections 99.915 to 99.984 shall be construed as relieving property in  
23 such areas from paying a uniform rate of taxes, as required by article X, section 3 of the  
24 Missouri Constitution.

      99.975. In each of the thirty-five calendar years following the adoption of an  
2 ordinance or resolution adopting development financing for a development project area  
3 pursuant to subsection 1 of section 99.954 unless and until development financing for such  
4 development project area is terminated by ordinance of the municipality, then, in respect  
5 to every taxing district containing such development project area, the county clerk, or any  
6 other official required by law to ascertain the amount of the equalized assessed value of all  
7 taxable property within such development project area for the purpose of computing any  
8 debt service levies to be extended upon taxable property within such development project  
9 area, shall in every year that development financing is in effect ascertain the amount of  
10 value of taxable property in such development project area by including in such amount  
11 the certified total initial equalized assessed value of all taxable real property in such  
12 development project area in lieu of the equalized assessed value of all taxable real property  
13 in such development project area. For the purpose of measuring the size of payments in  
14 lieu of taxes under sections 99.915 to 99.984, all tax levies shall then be extended to the  
15 current equalized assessed value of all property in the development project area in the  
16 same manner as the tax rate percentage is extended to all other taxable property in the  
17 taxing district.

      99.978. 1. If any section, subsection, subdivision, paragraph, sentence or clause of

2 sections 99.915 to 99.984 is, for any reason, held to be invalid or unconstitutional, such  
3 decision shall not affect any remaining portion, section, or part thereof which can be given  
4 effect without the invalid provision.

5 2. Sections 99.915 to 99.984 shall be construed liberally to effectuate the purposes  
6 hereof. Insofar as the provisions of sections 99.915 to 99.984 are inconsistent with the  
7 provisions of any other law, the provisions of sections 99.915 to 99.984 shall be controlling.

8 3. The powers conferred by sections 99.915 to 99.984 shall be in addition and  
9 supplemental to the powers conferred by any other law.

10 99.981. Beginning in 2004, and every five years thereafter, a joint committee of the  
2 general assembly, comprised of five members appointed by the speaker of the house of  
3 representatives and five members appointed by the president pro tempore of the senate,  
4 shall review sections 99.915 to 99.984. A report based on such review, with any  
5 recommended legislative changes, shall be submitted to the speaker of the house of  
6 representatives and the president pro tempore of the senate no later than February first  
7 following the year in which the review is conducted.

8 99.984. 1. By the last day of February each year, the authority shall report to the  
2 director of the department of economic development the name, address, phone number,  
3 and primary line of business of any business which relocates to the development area. The  
4 director of the department of economic development shall compile and report the same to  
5 the governor, the speaker of the house of representatives and the president pro tempore  
6 of the senate on the last day of April each year.

7 2. Each year the governing body of the municipality, or its designee, shall prepare  
8 a report concerning the status of the development plan, the development area, and the  
9 included development projects, and shall submit a copy of such report to the director of  
10 the department of economic development. The report shall include the following:

- 11 (1) The amount and source of revenue in the special allocation fund;
- 12 (2) The amount and purpose of expenditures from the special allocation fund;
- 13 (3) The amount of any pledge of revenues, including principal and interest on any  
14 outstanding bonded indebtedness;
- 15 (4) The original assessed value of the development area;
- 16 (5) The assessed valuation added to the development area;
- 17 (6) Payments made in lieu of taxes received and expended;
- 18 (7) The economic activity taxes generated within the development area in the  
19 calendar year prior to the designation of the development area, the amount of the state  
20 sales tax revenue generated within the development area in the calendar year prior to the  
21 designation of the development area, and the amount of the state income tax withheld by



22 employers on behalf of existing employees in the development area in the calendar year  
23 prior to the designation of the development area;

24 (8) The economic activity taxes generated within the development area after the  
25 designation of the development area, the amount of the state sales tax revenue generated  
26 within the development area after the designation of the development area, and the amount  
27 of the state income tax withheld by employers on behalf of new employees in the  
28 development area after the designation of the development area;

29 (9) Reports on contracts made incident to the implementation and furtherance of  
30 a development area, the development plan, and the included development projects;

31 (10) A copy of the development plan, which shall include the required findings and  
32 cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.948;

33 (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed,  
34 repaired, or remodeled;

35 (12) The number of parcels acquired by or through initiation of eminent domain  
36 proceedings; and

37 (13) Any additional information the municipality deems necessary.

38 3. Data contained in the report mandated pursuant to the provisions of subsection  
39 1 of this section and any information regarding amounts disbursed to municipalities  
40 pursuant to the provisions of section 99.969 shall be deemed a public record, as defined in  
41 section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes  
42 received and expended in that year, the status of the development area, the development  
43 plan, and the included development projects therein, amount of outstanding obligations,  
44 and any additional information the municipality deems necessary shall be published in a  
45 newspaper of general circulation in the municipality.

46 4. Five years after the establishment of the development area and the development  
47 plan and every five years thereafter the governing body of the authority shall hold a public  
48 hearing regarding the development area and the development plan and the development  
49 projects adopted pursuant to sections 99.915 to 99.984. The purpose of the hearing shall  
50 be to determine if the development area, development plan, and the included development  
51 projects are making satisfactory progress under the proposed time schedule contained  
52 within the approved development plan for completion of such development projects.  
53 Notice of such public hearing shall be given in a newspaper of general circulation in the  
54 area served by the authority once each week for four weeks immediately prior to the  
55 hearing.

56 5. The director of the department of economic development shall submit a report  
57 to the speaker of the house of representatives and the president pro tempore of the senate

58 no later than February first of each year. The report shall contain a summary of all  
59 information received by the director pursuant to this section.

60 6. The department of economic development shall provide information and  
61 technical assistance, as requested by any municipality, on the requirements of sections  
62 99.915 to 99.984. Such information and technical assistance shall be provided in the form  
63 of a manual, written in an easy-to-follow manner, and through consultations with  
64 departmental staff.